

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

KODI BEAR CONCEPTS, INC.,

Plaintiff,

vs.

RHK TOWN SQUARE, LLC,

Defendant.

Case No. 2:12-cv-01223-RCJ-PAL

ORDER

Before the court is the parties' Stipulation and Proposed Protective Order (Dkt. #27) which the court approved to facilitate discovery in this case. This order reminds counsel that there is a presumption of public access to judicial files and records. As the parties recognize in their Stipulation, a party seeking to file a confidential document under seal must file a motion to seal and must comply with the Ninth Circuit's directives in *Kamakana v. City and County of Honolulu*, 447 F.3d 1172 (9th Cir. 2006) and Local Rule of Civil Practice 10-5(b).

Although the court has approved the parties Stipulation and Proposed Protective Order to facilitate discovery exchanges in this case, the parties have not shown, and court has not found, that any specific documents are secret or confidential. The parties have not provided specific facts supported by affidavits or concrete examples to establish that a protective order is required to protect any specific trade secret or other confidential information pursuant to Rule 26(c) or that disclosure would cause an identifiable and significant harm. The Ninth Circuit has held that there is a presumption of public access to judicial files and records and that parties seeking to maintain the confidentiality of documents attached to non-dispositive motions must show good cause exists to overcome the presumption of public access. *See Kamakana* 447 F.3d at 1179. Parties seeking to maintain the secrecy of documents

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1 attached to dispositive motions must show compelling reasons sufficient to overcome the presumption
2 of public access. *Id.* at 1180.

3 Accordingly,

4 **IT IS ORDERED** that the parties shall comply with the requirements of LR 10-5(b), and the
5 Ninth Circuit's decision in *Kamakana*, 447 F.3d 1172, with respect to any documents filed under seal.

6 Dated this 3rd day of December, 2012.

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9 PEGGY A. LEEN
UNITED STATES MAGISTRATE JUDGE